

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

STUART FINKELSTEIN,

Defendant.

ORDER

19 Mag. 10645
20 Cr. __ (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

It is hereby ORDERED that the Curcio hearing in this matter currently scheduled for March 4, 2020 is adjourned to **March 11, 2020 at 10:00 a.m.** The parties are directed to submit briefing to this Court by **March 6, 2020** addressing the circumstances here, in which the Defendant seeks to be represented by a lawyer – Brian Griffin – who is an obvious witness to the criminal conduct alleged in Count Four.

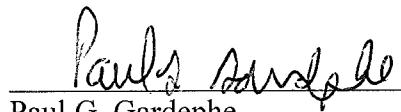
As set forth in the Government's February 11, 2020 letter, Mr. Griffin was the conduit through whom the Defendant attempted to fraudulently persuade an adversary that the Defendant was authorized to represent an alleged victim of unlawful practices under the ADA. The parties are directed to cite law demonstrating that – for purposes of waiver of indictment, arraignment, guilty plea, and sentencing – it is appropriate for this Court to permit the Defendant to waive the conflict. To the extent that the parties believe that the conflict can be waived for pretrial purposes – as the Government urges in its February 11, 2020 letter – they are to submit supporting authority. Similarly, to the extent that the parties believe that the Defendant can waive indictment and be arraigned prior to the completion of the Curcio hearing, they are to submit supporting authority. Finally, the Government is direct to submit more details concerning

Mr. Griffin's involvement, and to confirm that his involvement is limited to the single episode in February 2019 referenced in the Government's February 11, 2020 letter.

Dated: New York, New York

March 2, 2020

SO ORDERED.



Paul G. Gardephe
United States District Judge